

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37267

STATE OF IDAHO,)	2010 Unpublished Opinion No. 678
)	
Plaintiff-Respondent,)	Filed: October 18, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
HERIBERTO FERNANDEZ SARABIA,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Judgment of conviction and concurrent unified sentences of ten years with four years determinate for injury to a child, and life with ten years determinate on each of three counts of lewd conduct with a minor under sixteen years of age, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

Heriberto Fernandez Sarabia was convicted of injury to a child, Idaho Code § 18-1501(1), and three counts of lewd conduct with a minor under sixteen years of age, I.C. § 18-1508. The district court imposed concurrent unified sentences of ten years with four years determinate for injury to a child, and life with ten years determinate on each of the three counts of lewd conduct with a minor under sixteen. Sarabia appeals, contending that the sentences are excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and

need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Sarabia's judgment of conviction and sentences are affirmed.